

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC., COMEDY)
PARTNERS, COUNTRY MUSIC)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION LLC,)
Plaintiffs,)

vs.) Case No. 1:07CV02103

YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)
Defendants.)

THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)

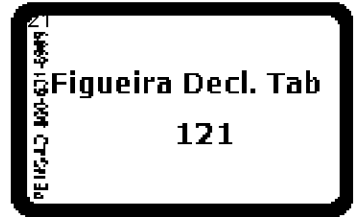
Plaintiffs,)
vs.) Case No. 07CV3582

YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)
Defendants.)

DEPOSITION OF PATRICK WALKER
SAN FRANCISCO, CALIFORNIA
TUESDAY, JULY 22, 2008

REPORTED BY:

YVONNE FENNELLY, CRP, CSR NO. 5495
JOB NO. 15375



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What's that referring to?

MR. INGBER: Objection; calls for speculation.

THE WITNESS: He made an indication here that it was popular on YouTube. I don't know what was his specific reason for that.

BY MR. SHAFTEL:

Q. Well, do you understand that Premier League content in this time period was appearing on YouTube?

A. Yes.

The Premier League had indicated to us that content was appearing on YouTube, and which is why we explained to them the procedures for removal of that content if they objected to its presence on YouTube.

Q. Did you or did you have anyone on your staff make any inquiries in terms of the extent that Premier League content was appearing on YouTube?

A. I don't know.

Q. When the Premier League in substance said to you, we're upset by the amount of Premier League material on YouTube, did you take any steps to check into the accuracy of their statements?

MR. INGBER: Object to form, assumes facts not in evidence.

THE WITNESS: When anyone, including the

1
2 Premier League, indicates to me that their content is on
3 YouTube, what I tell each and every one of them is, why
4 is it still there if you don't want it there? The tools
5 are available to you to have it removed if you object to
6 its presence there.

7 BY MR. SHAFTEL:

8 Q. And you said that to the Premier League
9 officials?

10 A. Yes.

11 Q. And what did they say in response?

12 A. They said that we should, meaning YouTube
13 should take it down.

14 To which I responded, you are the only one that
15 knows which clips are the ones that might be
16 unauthorized, and you must follow procedures for its
17 removal through the DMCA process.

18 I've had been through so many different
19 examples and circumstances with different partners
20 already where even the same organization was
21 counterclaiming itself. Marketing departments, legal
22 departments, business divisions had very different
23 views, and in some cases didn't know what one's arm was
24 doing relative to the other.

25 The only clear way for us to remove content, to

1
2 satisfy the requirement of the rights holder was based
3 on their very specific use of the takedown notification
4 tools about specific URL's. And even in that case, as I

5 demonstrated in the past, in Channel 4, sometimes we've
6 had examples where they are actually incorrect or they
7 actually asked for removal of things that, in fact, were
8 not there, but they needed to take responsibility for
9 identifying, and we were there to provide them guidance
10 and support to help them with removal of that content.

11 Q. You're not testifying that Premier League or
12 certain departments within Premier League, that you have
13 any evidence wanted Premier League video clips to be put
14 onto YouTube; are you?

15 MR. INGBER: Object to form.

16 THE WITNESS: I don't have any evidence. I
17 said I have --

18 MR. INGBER: Let him finish his answer.

19 THE WITNESS: I said I've experienced
20 circumstances where organizations -- and this was very
21 new. I was actually quite surprised by what I learned
22 over time.

23 The amount of active submission of content by
24 different parts of media companies, organizations and
25 rights holders, was actually quite staggering. Many